

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

KEVIN KNASEL,)
Plaintiff,)
v.) Case No. 6:21-03093-CV-RK
FLYNT RAY, et al,)
Defendants.)

ORDER

Pursuant to Rule 60(a), which allows “[c]orrections Based on Clerical Mistakes; Oversight and Omissions[,]” the Court, on its own and without notice, hereby “correct[s] . . . a mistake arising from oversight[.]” The Court’s Order granting Defendants’ motions to dismiss and dismissing this case with prejudice (Doc. 50) is hereby corrected as to a mistake arising from oversight. The disposition of the case was mistakenly ordered “with prejudice,” whereas, “claims dismissed for lack of subject-matter jurisdiction pursuant to Rule 12(b)(1) are ‘necessarily dismissed without prejudice.’” *Asher v. Ninneman*, No. 19-CV-3002 (WMW/KMM), 2020 WL 6083554, at *1 (D. Minn. Oct. 15, 2020) (citing *Hussein v. Barr*, No. 19-cv-292 (JRT/HB), 2019 WL 5150039, at *3 (D. Minn. July 31, 2019) and *Hart v. United States*, 630 F.3d 1085, 1091 (8th Cir. 2011) (affirming dismissal for lack of subject-matter jurisdiction but modifying the dismissal to be without prejudice)).

Accordingly, the Court corrects the disposition of the Order (Doc. 50 at 4) to order this case is **DISMISSED without prejudice.**

IT IS SO ORDERED.

/s/ Roseann A. Ketchmark
ROSEANN A. KETCHMARK, JUDGE
UNITED STATES DISTRICT COURT

DATED: November 9, 2021